

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2543 OF 2006

Bharat Sanchar Nigam Ltd.

...Petitioner.

V/s.

Rajendrakumar Rajaram Gawade.

... Respondents.

AND

WRIT PETITION NO. 2554 OF 2006

Bharat Sanchar Nigam Ltd.

... Petitioner.

V/s.

The President, Rashtriya Telecom
Employees Workers' Union.

... Respondents.

Mr. A.S. Rao for the Petitioner.

Mr. J.S. Kini with Suresh Dubey for Respondent No.1.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

4TH OCTOBER, 2006.

P.C. :

1. The Presiding Officer of the Central Government

Industrial Tribunal came to the conclusion that the disciplinary enquiry was not fair and proper. An opportunity was granted to the Petitioner to lead evidence in support of the charges. The Part I Award was rendered on 16th May 2006. The Petition before this Court was instituted on 16th September 2006. In the meantime, it is an undisputed position before the Court that the Petitioner has availed of the opportunity to lead evidence in support of the allegations of misconduct. Evidence is being adduced before the Industrial Tribunal and the proceedings are progressing.

2. In that view of the matter, in view of the Judgment of the Supreme Court in Cooper Engineering Ltd. V/s. P.P. Mundhe AIR 1975 S.C.1900 no interference of this Court at the present stage, under Article 226 of the Constitution of India is warranted. It is open to the Petitioner to challenge the final award of the Industrial Tribunal as well as the findings rendered in the Part I Award after the dispute is disposed of, should it become necessary to do so.

3. The Petition is accordingly disposed of.
